

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

McCLAIN PRINTING COMPANY,
a West Virginia corporation,

Plaintiff,

v.

// CIVIL ACTION NO. 2:06CV116
(Judge Keeley)

THEOPHILE DEZINNO,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS OR TRANSFER

On January 31, 2008, this Court conducted a scheduling conference and considered Defendant Theophile Dezinno's ("Dezinno") motion to dismiss or transfer for lack of personal jurisdiction, failure to state a claim, improper venue, and statute of limitations. For the reasons stated on the record at that hearing, the Court **DENIED** Dezinno's motion (dkt. no. 10) on all grounds. The Court granted leave for Dezinno to refile his motion to dismiss based upon the statute of limitations after the close of discovery in this case.

IT IS SO ORDERED.

The Clerk is directed to transmit copies of this Order to counsel and pro se parties of record.

DATED: February 4, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE